

4320. Misbranding of Tox Eliminator devices. U. S. v. 2 Devices, etc. (F. D. C. No. 36165. Sample No. 69842-L.)

LIBEL FILED: December 1, 1953, District of Utah.

ALLEGED SHIPMENT: Sometime in 1943 from Los Angeles, Calif.

PRODUCT: 2 *Tox Eliminator devices* at Ogden, Utah, in possession of N. Oscar Malan, together with a number of leaflets bearing the words "Tox Eliminator What it is." The *Tox Eliminator device* was an apparatus for flushing the colon.

RESULTS OF INVESTIGATION: The above-mentioned leaflets were printed locally for N. Oscar Malan, doing business as the ~~Malan Clinic at Ogden, Utah~~. A number of leaflets were kept on a table in the waiting room of the Malan Clinic for distribution to customers.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned leaflets accompanying the device were false and misleading. The statements represented and suggested that the device would provide an adequate and effective treatment for arthritis, rheumatism, neuritis, high blood pressure, low blood pressure, toxic heart conditions, stomach ulcers, intestinal ulcers, colitis, chronic appendicitis, gallbladder trouble, liver trouble, kidney trouble, bladder trouble, asthma, migraine, lumbago, stubborn skin diseases, and impure blood. The device would not provide an adequate and effective treatment for such conditions. The device was alleged to be misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: January 30, 1954. Default decree of condemnation. The court ordered that the devices and the leaflets be delivered to the Food and Drug Administration.